

HOUSE BILL No. 1183

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-21-16; IC 32-22-3.

Synopsis: Foreign ownership of agricultural land. Provides that, beginning July 1, 2024, a real estate closing including agricultural land must include an affidavit in which the purchaser affirms that the purchaser is not prohibited from acquiring or leasing agricultural land. Provides that, beginning July 1, 2024, a prohibited person may not acquire or lease agricultural land or a mineral right or water or riparian right on agricultural land located in Indiana. Requires the attorney general to investigate an acquisition or lease of agricultural land if the attorney general believes the acquisition or lease is in violation of law. Provides that agricultural land or interests in agricultural land acquired in violation of law are subject to forfeiture to the state.

Effective: July 1, 2024.

Culp, Aylesworth, Jeter

January 9, 2024, read first time and referred to Committee on Agriculture and Rural Development.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1183

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-21-16 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]:
4 **Chapter 16. Closings Including Agricultural Land**
5 **Sec. 1. This chapter does not apply to agricultural land on which**
6 **there has been no agricultural activity in the last five (5) years.**
7 **Sec. 2. As used in this chapter, "agricultural land" has the**
8 **meaning set forth in IC 32-22-3-1.**
9 **Sec. 3. As used in this chapter, "closing" means a transfer of an**
10 **interest in real estate by a deed, installment sales contract, or lease.**
11 **Sec. 4. As used in this chapter, "prohibited person" has the**
12 **meaning set forth in IC 32-22-3-3.5.**
13 **Sec. 5. A closing of the sale of real estate that:**
14 **(1) includes agricultural land; and**
15 **(2) occurs after June 30, 2024;**
16 **must include an affidavit in which the purchaser affirms that the**
17 **purchaser is not a prohibited person.**



1 SECTION 2. IC 32-22-3-0.5, AS ADDED BY P.L.156-2022,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2024]: Sec. 0.5. (a) **Except as provided in section 4.5 of this**
 4 **chapter**, the prohibition on ownership of agricultural land established
 5 by this chapter does not apply to the following:

6 (1) Agricultural land that is used for research or experimental
 7 purposes, including testing, developing, or producing seeds or
 8 plants for sale or resale to farmers as seed stock.

9 (2) The acquisition by a foreign business entity of agricultural
 10 land or an interest in agricultural land that is located within
 11 Indiana:

12 (A) that is used for crop farming and that is not more than
 13 three hundred twenty (320) acres; or

14 (B) that is used for timber production and that is not more than
 15 ten (10) acres.

16 (3) As used in this subdivision, "confined feeding operation" has
 17 the meaning set forth in IC 13-11-2-40. The acquisition by a
 18 foreign business entity of a confined feeding operation or
 19 agricultural land on which to construct a confined feeding
 20 operation.

21 (4) Agricultural land used for raising or producing eggs or
 22 poultry, including hatcheries and other ancillary activities.

23 (b) This chapter does not affect the ability of a foreign business
 24 entity to hold or acquire by grant, purchase, devise, descent, or
 25 otherwise agricultural land in such acreage as may be necessary to its
 26 business operations for purposes other than crop farming or timber
 27 production.

28 SECTION 3. IC 32-22-3-1, AS ADDED BY P.L.156-2022,
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2024]: Sec. 1. As used in this chapter, "agricultural land"
 31 means land for use in crop farming or timber production **or as pasture**
 32 **land**.

33 SECTION 4. IC 32-22-3-3.5 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2024]: Sec. 3.5. **As used in this chapter, "prohibited person"**
 36 **includes the following:**

37 (1) **An individual who is a citizen of a foreign adversary (as**
 38 **defined in 15 CFR 7.4).**

39 (2) **A foreign business entity organized under the laws of a**
 40 **foreign adversary (as defined in 15 CFR 7.4).**

41 (3) **A corporation, professional corporation, nonprofit**
 42 **corporation, limited liability company, partnership, or limited**



1 partnership that is owned by, whether in whole or in part,
2 either of the following:

3 (A) Individuals who are citizens of a foreign adversary (as
4 defined in 15 CFR 7.4).

5 (B) A company or other entity, including a governmental
6 entity, that is owned or controlled by citizens of, or is
7 directly controlled by the government of, a foreign
8 adversary (as defined in 15 CFR 7.4).

9 SECTION 5. IC 32-22-3-4.5 IS ADDED TO THE INDIANA CODE
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2024]: **Sec. 4.5. (a) This section does not apply to agricultural
12 land on which there has been no agricultural activity in the last five
13 (5) years.**

14 (b) After June 30, 2024, a prohibited person may not do any of
15 the following:

16 (1) Acquire by grant, purchase, devise, descent, or otherwise
17 any agricultural land located in Indiana.

18 (2) Enter into a lease agreement as a lessee for any
19 agricultural land located in Indiana.

20 (3) Acquire by grant, purchase, devise, descent, or otherwise
21 any mineral right or water or riparian right on any
22 agricultural land located in Indiana.

23 (4) Enter into a lease agreement as a lessee for any mineral
24 right or water or riparian right on any agricultural land
25 located in Indiana.

26 SECTION 6. IC 32-22-3-6.5 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2024]: **Sec. 6.5. (a) The attorney general shall investigate an
29 acquisition or lease of agricultural land if the attorney general
30 believes the acquisition or lease of agricultural land violates section
31 4.5 of this chapter.**

32 (b) Agricultural land or an interest in agricultural land acquired
33 in violation of section 4.5 of this chapter is subject to forfeiture to
34 the state. The attorney general shall enforce a forfeiture under this
35 subsection.

